
FINDING AND RECOMMENDATION(S)

AS AMENDED 2-14-08

Submitted by: Bud Hicks

Finding:

There is presently no requirement for experienced fire professionals and forest health experts to be represented on either the Governing Board or the Advisory Planning Commission of the TRPA. Participation by such experts in TRPA matters affecting forest health and public safety would help make the TRPA more responsive to the prevention of catastrophic fires resulting from poor forest health within the Basin and the risks posed thereby to public safety, and would help assure continued attention to these matters by the TRPA.

Background and Supporting Evidence:

It is widely believed by many residents and property owners within the Tahoe Basin that the TRPA has not considered or has refused to adequately consider and address the risks of catastrophic fires to people, property, and the forests within the Basin and has, in fact, adopted ordinances and procedures that exacerbate the risks of catastrophic fire within the Basin.

The bi-state Tahoe Regional Planning Compact ("Compact") defines the composition of the Governing Board of the TRPA and of the TRPA's Advisory Planning Commission, and sets forth the qualifications of such members. However, the Compact fails to require experienced fire professionals and forest health experts to serve on either the Governing Board or the TRPA's Advisory Planning Commission ("APC"). The presence of such individuals on both bodies would help insure that forest health and fire safety issues remain at the forefront of the TRPA's agenda. However, the Compact would require amendment in order to add additional Members to the TRPA Governing Board, a time consuming and potentially uncertain process.

Presently, the Compact provides for 15 members of TRPA's Governing Board, of which 7 represent various California constituencies, 7 represent various Nevada constituencies, and 1 is an Appointee of the President of the United States. 1980 Compact, Art. III(a). Pursuant to the 1980 version of the Compact, 12 of the 15 members of the Governing Board serve at the pleasure of their respective appointing authorities. As to the California delegation, 2 of the members are

appointed by the Governor of California. As to the Nevada delegation, 1 of the members is appointed by the Governor of Nevada. The remaining 9 members of the Governing Board who serve at the pleasure of their respective appointing authorities include representatives of the five counties that are located within the Basin (Placer, Eldorado, Washoe, Carson City, and Douglas), a representative of the City of South Lake Tahoe, and representatives of various other constituencies. The qualifications and experience for all of the foregoing described Members are not defined in the Compact and could, presumably, include persons who are experienced in fire prevention and protection matters and forest health and restoration matters. Although the local government entities having authority to appoint members to the Governing board may appoint members of their respective elective boards to the positions on the TRPA Governing Board, they are not required to do so. Therefore, authority presently exists for any of these appointing authorities to appoint experienced fire professionals and/or forest health and restoration experts to the Governing Board.

Although no additional members of the Governing Board of the TRPA can be appointed by the respective appointing authorities, the Compact is silent as to the appointment of advisory, ex-officio non-voting advisors to the Governing Board. Therefore, it is believed that the Governing Board of the TRPA could invite qualified persons to serve in advisory roles as non-voting, ex-officio members of the Governing Board and that qualified fire professionals and forest health experts could be utilized in these roles in order to bring their important perspectives to the Governing Board.

With respect to the APC, the provisions of Article III(h) of the Compact provide that the APC shall have a minimum of 15 members. The Compact does not prescribe the actual number of members the APC may have as evidenced by the fact that the APC presently has 19 members. Moreover, the Compact provides that “at least four lay members with an equal number from each State. . .” shall be appointed by the TRPA Governing Board to the APC (emphasis added). Therefore, it appears that the composition of the APC may be supplemented by the TRPA Governing Board from time to time to meet specific needs such as expressly adding expertise in forest health/restoration and fire matters.

The TRPA Governing Board also has express authority under the Compact “. . . to employ such other staff . . . as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental compacts or agreements the agency may be responsible for administering.” 1980 Compact, Article IV(a). Thus, the TRPA itself has authority to employ fire professionals and forest health experts, if it so chooses.

Further, the TRPA Governing Board has, on its own action since the occurrence of the Angora Fire, created a special committee composed of 8 of its members to serve as a “Catastrophic Wildfire Prevention Committee.” There appears to be

no impediment under the Compact to the appointment of qualified fire professionals and forest health experts to this Committee in order to bring these important perspectives to the TRPA's Governing Board.

Based on the foregoing, there presently are means to bring the important perspectives of experienced fire professionals and forest health experts to the TRPA without having to open the Compact to amendment.

Recommendation(s)

Recommendation 1. It is recommended that the Governors of the States of California and Nevada take the following actions in order to bring the perspectives of experienced fire professionals and experts in forest health to the TRPA:

(A) Utilize their respective powers of appointment under the Compact to appoint experienced fire professionals and forest health restoration experts to the TRPA Governing Board, or work with and encourage the other authorities having powers of appointment under the Compact to appoint experienced fire professionals and forest health and restoration experts to the TRPA Governing Board; or

(B) Request the Governing Board of the TRPA to invite qualified fire professionals and forest health/restoration experts to serve as advisors to the Governing Board as ex-officio, non-voting members of the Governing Board.

Recommendation 2. The Governors of the States of California and Nevada should request the TRPA Governing Board to immediately appoint four additional members to the APC, consisting of an experienced fire professional and an experienced forest health/restoration expert from each State, and to direct the APC to monitor and advise the Governing Board on any matters relevant to fire safety issues and forest health and restoration efforts in the Tahoe Basin.

Recommendation 3. The Governors of the States of California and Nevada should request the TRPA Governing Board to expand the membership of its Catastrophic Wildfire Prevention Committee to include representation by experienced fire professionals and forest health/restoration experts.

Recommendation 4. The Governors of the States of California and Nevada should request the TRPA Governing Board to add experienced fire professional and forest health experts to its staff whose duties would include liaison with the fire fighting authorities within the Basin, assistance in the coordination and implementation of the 10-Year Plan developed as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy, and

assistance with such other forest restoration and fire safety activities and projects as may be appropriate.

Impacts of Implementation: *(The implementation of any Recommendation is likely to have specific impacts. Consider potential consequences related to each of the following areas):*

Analysis of impacts on the following factors is REQUIRED (Best Estimate):

- ☐ Cost – There would be no additional costs if any of the appointing authorities exercised their appointing discretion to appoint qualified professionals to the Governing Board. Similarly, the expense of adding two additional members, whether as voting or ex-officio non-voting members to the Governing Board, would be minimal, as Board Members serve without compensation. The addition of fire and forest health experts to the APC would similarly result in only minimal additional costs.
- ☐ Funding source – TRPA Budget
- ☐ Staffing – At least two additional staffing positions would be added to the TRPA.
- ☐ Existing regulations and/or laws – The recommendations would require no changes to existing laws or regulations.

Analysis of impacts on the following factors is OPTIONAL:

- ☐ Operational
- ☐ Social
- ☐ Political
- ☐ Policy
- ☐ Health and Safety
- ☐ Environmental
- ☐ Interagency